

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0924/P1dn
MDK:kjf:jf

January 7, 2013

Larry Konopacki:

Please note the following about this preliminary draft:

1. I added language to the relating clause to describe what the draft does.
2. I added a reconciliation provision because this draft refers to information that would be submitted to OJA only if LRB-0922/1 is enacted.
3. I revised the first paragraph of the prefatory note to refer to the state's open records law. Is that okay?
4. The draft imposes duties on public safety answering points (PSAPs). However, under s. 256.35 (1) (gm), PSAP is defined as a certain type of facility. Should the draft be revised so that the duties apply to the operator of a PSAP, instead of a PSAP itself? (See, e.g., s. 256.35 (3m) (d) 3. e., which refers to salaries and benefits of operators of wireless PSAPs.) If so, the other 911 drafts should be reviewed to determine whether similar changes to those drafts are necessary.
5. In proposed s. 256.35 (1) (am), the definition of "911 service provider" refers to "selective routing services." Is it commonly understood which routing services are considered "selective"? Or do you want to revise the definition to refer simply to "routing services"?
6. Proposed s. 256.35 (1) (ct) defines "communications provider" as a person that provides active voice or nonvoice communications service. However, proposed s. 256.35 (12) (c) 1. defines "service" to refer to communications service, rather than to active voice or nonvoice communications service. Is that okay?
7. Proposed s. 256.35 (12) (a) allows for the protection of information that a communications provider designates as proprietary, and that the PSC or OJA determines is proprietary. However, "proprietary" is not defined in the draft and it is possible that the PSC or OJA might interpret the term in some way that is not consistent with your intent. Note that s. 196.14 allows the PSC to withhold from public inspection any information "which would aid a competitor of a public utility in competition with the public utility." Is that the type of information you want to protect? If so, you could say something similar in s. 256.35 (12) (a). If not, you may want to consider clarifying what you mean by "proprietary."

8. I revised proposed s. 256.35 (12) (a) to refer to identification of the number of subscribers, rather than the numbers of subscribers, because I think the plural form could mean the telephone numbers of subscribers, rather than how many subscribers a provider has.

9. In proposed s. 256.35 (12) (b), it appears that a subscriber's address is a type of "connection information" regarding the subscriber. However, I'm not sure what "connection information" means and how an address constitutes such information. Is the term "connection information" commonly understood to include subscriber addresses? Also, proposed s. 256.35 (12) (b) appears to prohibit the release of addresses to which emergency services are dispatched in response to 911 calls. Is that correct?

10. I revised s. 256.35 (12) (b) to say that a PSAP may access a subscriber record **only** when a 911 call is made, instead of saying that a PSAP may **only** access a subscriber record when a 911 call is made.

11. Should proposed s. 256.35 (12) (c) 2. be revised to clarify which 911 service provider must receive the update? For example, you could revise the language to refer to the 911 service provider that manages the automatic location information database for the location.

12. Proposed s. 256.35 (12) (c) 2. creates a deadline that is two business days after the occurrence of something that a communications provider does (installation or relocation) or something that a customer does (notification). What happens if both things occur? Do you want to specify that the deadline is based on what thing happens first?

13. Proposed s. 256.35 (12) (c) 3. (intro.) creates a duty on a 911 service provider that applies within two business days after a communications provider submits information to the 911 service provider. If there may be delays between when information is submitted and when it is received, you may want to consider revising the duty so that it applies within two business days after the 911 service provider receives the information.

14. I revised proposed s. 256.35 (12) (c) 4. (intro.) to insert "regarding a location." I made a similar change in proposed s. 256.35 (12) (c) 5., and also revised s. 256.35 (12) (c) 5. so that it refers to s. 256.35 (12) (c) 4. b., instead of s. 256.35 (12) (c) 3. b.

15. Throughout this draft, you refer to "automatic location information database." However, "automatic location information" is not defined. Instead, s. 256.35 (1) (a) defines "automatic location identification." Do you want to revise the draft to refer to "automatic location identification database" or do you have something else in mind?

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